

## PATENT

**DECLARATION**  
 (Original, Design, National State of PCT, Supplemental,  
 Divisional, Continuation or Continuation-in-part)

As a below-named inventor, I hereby declare that:

## TYPE OF DECLARATION

This declaration is of the following type: (check one applicable item below)

☒ Original ☐ Design ☐ Supplemental

**NOTE:** If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.

☐ National Stage of PCT

**NOTE:** If one of the following 3 items apply, then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.

☐ Divisional ☒ Continuation ☐ Continuation-in-part (CIP)

## INVENTORSHIP IDENTIFICATION

My residence, post office address and citizenship are as stated below next to my name, I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**Hybridization of Polynucleotides Conjugated With Chromophores and Fluorophores to  
 Generate Donor-to-Donor Energy Transfer System**

## SPECIFICATION IDENTIFICATION

the specification of which:

- (a) ☐ is attached hereto.
- (b) ☒ was filed on August 23, 1996 as Serial No. 08/703,601 ;  
 or ☐ Express Mail No., as Serial No. not yet known, \_\_\_\_\_ and  
 was amended on \_\_\_\_\_ (if applicable).

00007334-112004

- (c) \_\_\_\_\_ was described and claimed in PCT International Application No. \_\_\_\_\_  
 filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_  
 (if any).

### ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a).

\_\_\_\_\_ In compliance with this duty, there is attached an information disclosure statement. 37 CFR 1.97.

### PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) \_\_\_\_\_ No such applications have been filed.  
 (e)   X   Such applications have been filed as follows.

**NOTE:** Where item (c) is entered above and the International Application which designated the U.S. claimed priority, check item (e), enter the details below and make the priority claim.

### EARLIEST FOREIGN APPLICATIONS, IF ANY FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

COUNTRY	APPLICATION NUMBER	DATE OF FILING (month, day, year)	PRIORITY CLAIMED UNDER 37 USC 119	
			YES	NO

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56, which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

- (f) \_\_\_\_\_ No such applications have been filed.

(g) X Such applications have been filed as follows.

<u>Application Serial No.</u>	<u>U.S. Patent No.</u>	<u>Filing Date</u>	<u>Issue Date</u>	<u>Status</u>
08/232,233		May 5, 1994		Pending
PCT	PCTUS92/09827	November 6, 1992		
08/250,951	5,532,129	May 27, 1994	October 15, 1996	Issued
07/790,262		November 7, 1991		Abandoned

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

## SIGNATURE(S)

Full name of sole or first inventor MICHAEL J. HELLERInventor's signature Michael J. HellerDate Nov. 19, 1996Country of Citizenship U.S.A.Residence Encinitas, CaliforniaPost Office Address 1614 Hawk View DriveEncinitas, CA 92024Continued on added page for Inventor's Data.Full name of second joint inventor, if any None

Inventor's signature \_\_\_\_\_

Date \_\_\_\_\_

Country of Citizenship \_\_\_\_\_

Residence \_\_\_\_\_

Post Office Address \_\_\_\_\_

CHECK BELOW IF ANY OF THE FOLLOWING ADDED PAGE(S) FORM A PART OF THIS DECLARATION

- \_\_\_\_ Signature for third and subsequent joint inventors. Number of pages added \_\_\_\_ .
- \_\_\_\_ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor. Number of pages added \_\_\_\_ .
- \_\_\_\_ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47. Number of pages added \_\_\_\_ .  
\* \* \*
- \_\_\_\_ Added pages to Combined Declaration and Power of Attorney FOR DIVISIONAL, CONTINUATION OR CONTINUATION-IN-PART (CIP) APPLICATION. Number of pages added \_\_\_\_ .  
\* \* \*
- \_\_\_\_ Authorization of attorney(s) to accept and follow instructions from representative. Number of pages added \_\_\_\_ .  
\* \* \*

If no further pages form a part of this Declaration, then end this Declaration with this page and check the following item:

X  This Declaration ends with this page.

FOIA b7 - D

# POWER OF ATTORNEY

Docket 221/078

Patent

Nanogen, Inc., assignee(s) of the application for United States Letters  
Patent for Hybridization of Polynucleotides Conjugated With Chromophores and Fluorophores to  
Generate Donor-to-Donor Energy Transfer System

by Michael J. Heller

(Title)

(Inventors)

executed on even date herewith, or

X having Serial No. 08/703,601, filed August 23, 1996

a copy of the assignment of which is attached hereto, do(es) hereby appoint as attorneys of record with full power of substitution and revocation, to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

The registered attorneys listed below and members of or associates in the law firm of **LYON & LYON**, 633 West Fifth Street, Suite 4700, Los Angeles, California 90071, Registration No. 11,611, whose members are all admitted to the Bar of the State of California:

Roland N. Smoot	Reg. 18,718	Coe A. Bloomberg	Reg. 26,605	Paul H. Meier	Reg. 32,274
Conrad R. Solum, Jr.	Reg. 20,467	J. Donald McCarthy	Reg. 25,119	John A. Rafter, Jr.	Reg. 31,653
James W. Geriak	Reg. 20,233	John M. Benassi	Reg. 27,483	Kenneth H. Ohlner	Reg. 31,648
Robert M. Taylor, Jr.	Reg. 19,848	James H. Shalek	Reg. 29,749	Mary S. Consalvi	Reg. 32,212
Samuel B. Stone	Reg. 19,297	Allan W. Jansen	Reg. 29,035	Lois M. Kwasigroch	Reg. 35,579
Douglas E. Olson	Reg. 22,798	Robert W. Dickerson	Reg. 29,914	Robert C. Laurensen	Reg. 34,206
Robert E. Lyon	Reg. 24,171	Roy L. Anderson	Reg. 30,240	Lawrence R. LaPorte	Reg. 38,948
Robert C. Weiss	Reg. 24,939	David B. Murphy	Reg. 31,125	Carol A. Schneider	Reg. 34,923
Richard E. Lyon, Jr.	Reg. 26,300	Bradford J. Duft	Reg. 32,219	James P. Brogan	Reg. 35,833
John D. McConaghy	Reg. 26,733	James C. Brooks	Reg. 29,898	Corrine M. Freeman	Reg. 37,664
William C. Steffin	Reg. 26,811	Jeffrey M. Olson	Reg. 30,790	Kenneth S. Roberts	Reg. 38,283 and

John Kappos

Reg. No. 37,861

Address correspondence to: **LYON & LYON**  
Attention: John Kappos  
633 West Fifth Street, Suite 4700  
Los Angeles, California 90071-2066  
(213) 489-1600

I, the undersigned, declare that I am the (an) assignee of the above-identified application or, if the assignee is a corporation, partnership or other association, I am authorized to make this appointment on behalf of the assignee. The above-identified assignee is the owner of this application by reason of an assignment

X which is being filed herewith for recordation;  
which was filed for recordation on \_\_\_\_\_ (copy enclosed herewith); or  
which was recorded in the Patent Office on \_\_\_\_\_ at reel \_\_\_\_\_ and frame \_\_\_\_\_

In accordance with 37 C.F.R. §3.73(b), I certify that I have reviewed all documents in the chain of title and, to the best of my knowledge, all right, title, and interest to the invention and this application is in the above-identified assignee. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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# POWER OF ATTORNEY

Docket 221/078

Patent

	Full Name of Assignee <b>Nanogen, Inc.</b>	
	Post Office Address <b>10398 Pacific Center Court, San Diego, CA 92121</b>	
	Signature of Declarant or Assignee <i>Harry J. Leonhardt</i>	Date <b>11/11/96</b>

	Full Name of Assignee	
	Post Office Address	
	Signature of Assignee	Date

Full Name of Declarant If Other Than Assignee <b>Harry J. Leonhardt</b>	
Title of Declarant <b>Vice President and General Counsel</b>	
Address of Declarant <b>10398 Pacific Center Court, San Diego, CA 92121</b>	

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